

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No.: 06-CV-00354-PB
vs.)	
)	Judge Paul J. Barbadoro
GENERAL ELECTRIC COMPANY,)	
)	
Defendant.)	
)	

**UNITED STATES' MOTION IN LIMINE
TO EXCLUDE THE PROPOSED TESTIMONY OF
GENERAL ELECTRIC COMPANY'S EXPERT WITNESS NEIL SHIFRIN**

Plaintiff United States hereby moves this Court to exclude the proposed testimony of General Electric Company's expert witness Neil Shifrin pursuant to Federal Rule of Evidence 702. The Rule requires that expert testimony should be reliable, relevant to the facts of a case, and helpful to the trier of fact. The proposed expert, Neil Shifrin, is an engineer who offers three separate opinions in support of defendant General Electric Company's purported "useful product" defense. For the reasons set forth in the accompanying memorandum of law, Shifrin is not qualified to offer these opinions: the opinions are not based upon reliable methodology; they are not relevant; and they would not assist the Court to understand the evidence or to determine any fact in issue.

A proposed Order excluding the expert testimony of Neil Shifrin is attached for this Court's convenience.

Respectfully submitted,

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Dated: 08/01/2008

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Certificate of Service

I, Catherine Adams Fiske, certify that the foregoing Motion, Memorandum and Proposed Order were filed and served electronically through ECF on Peter Biagetti and William “Mo” Cowan, counsel to the General Electric Company, on August 1, 2008.

/s/ C. A. Fiske
Catherine A. Fiske

